CCRB INVESTIGATIVE RECOMMENDATION

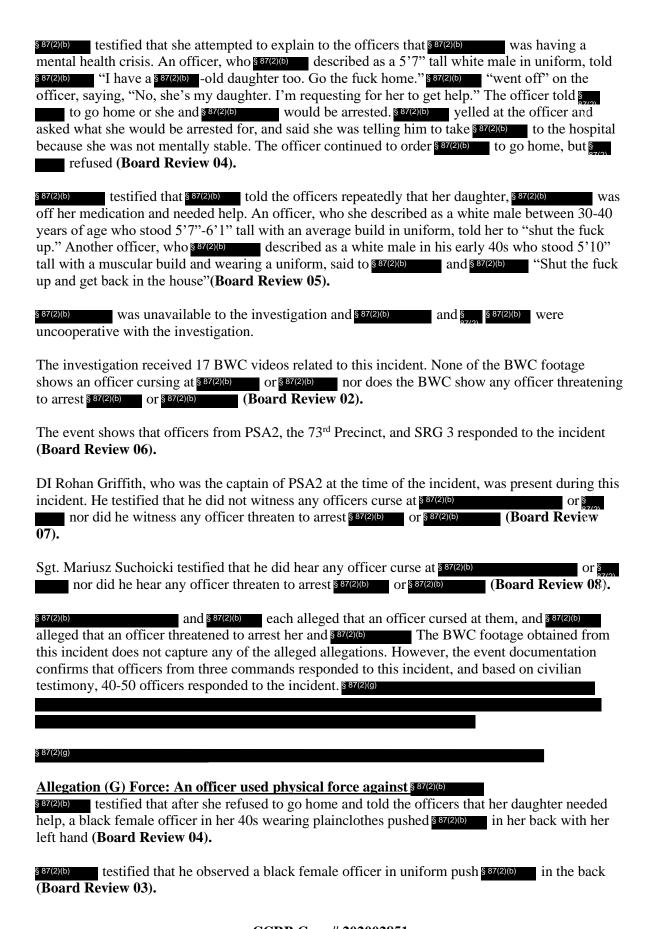
Investigator:		Team:	CCRB Case #:	✓ Force	☑ Discourt. □] U.S.
Thomas Juliano		Squad #6	202002851	✓ Abuse	e 🗆 O.L. 🔽] Injury
Incident Date(s)		Location of Incident:		Precinc	t: 18 Mo. SOL	EO SOL
Saturday, 04/18/2020 9:40 PM		In front of § 87(2)(b)		73	10/18/2021	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/T	ime Received at CCRB	
Thu, 04/23/2020 10:49 PM		CCRB	On-line website	Thu, 0	4/23/2020 10:49 PM	
Complainant/Victim	Type	Home Addre	ess			
Witness(es)		Home Addre	266			
Withess(cs)		Home Huar	233			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Richard Catapano	05751	961675	073 PCT			
2. An officer						
3. SGT Mariusz Suchoicki	01395	929225	PSA 2			
Witness Officer(s)	Shield No	o Tax No	Cmd Name			
1. POM Abir Noor	21625	959847	PSA 2			
2. POM Brian Mahon	23144	949240	073 PCT			
3. POM Gregory Andre	19779	958249	PSA 2			
4. POM Maximo Morel	06548	958950	PSA 2			
5. POM Nazmul Khan	05850	954020	PSA 2			
6. SGT John Cerillo	1186	936329	PSA 2			
7. SGT Steven Franzel	03573	945733	073 PCT			
8. POF Ruth Donald	18920	962368	073 PCT			
9. POF Dominique Armenio	18629	961626	PSA 2			
10. POM Gavier Almanzar	09934	956380	PSA 2			
11. POM John Espinal	19909	962383	PSA 2			
12. POM James Postiglione	18652	959089	PSA 2			
13. POM Joseph Sorrentino	15954	957890	PSA 2			
14. POF Katie Reser	04609	948124	PSA 2			
15. CPT Besemah Rogers	00000	937419	PSA 1			
16. DI Rohan Griffith	00000	940218	075 PCT			

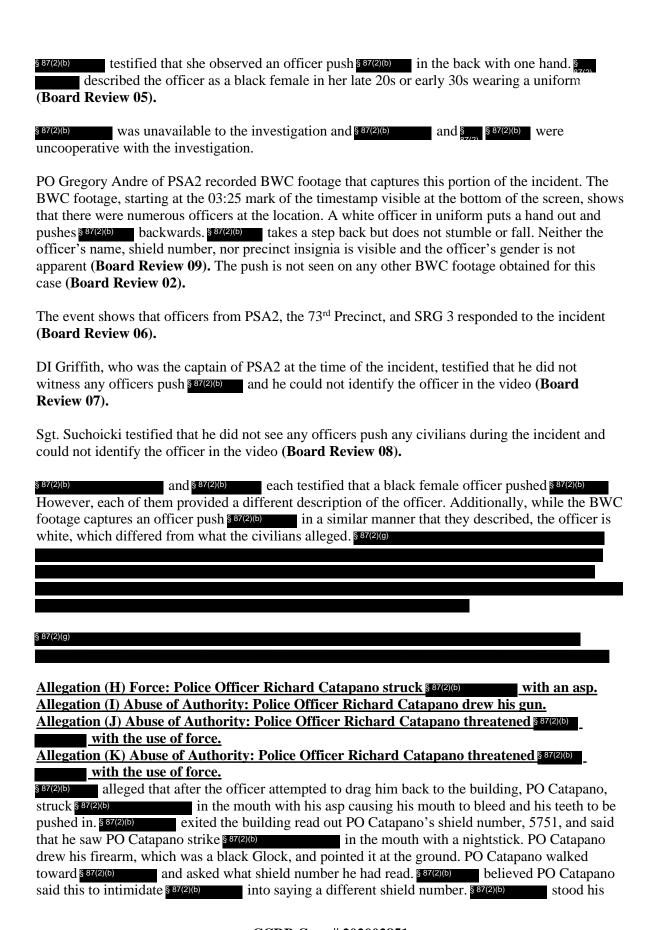
Officer(s)	Allegation	Investigator Recommendation
A. An officer	Discourtesy: An officer spoke discourteously to §87(2)(b)	
B. An officer	Discourtesy: An officer spoke discourteously to §87(2)(b)	
C. An officer	Discourtesy: An officer spoke discourteously to §87(2)(b)	
D. An officer	Force: An officer used physical force against § 87(2)(b)	
E. An officer	Abuse: An officer threatened to arrest §87(2)(b)	
F. An officer	Abuse: An officer threatened to arrest \$87(2)(b)	
G. An officer	Force: An officer used physical force against § 87(2)(b)	
H.POM Richard Catapano	Force: Police Officer Richard Catapano struck with an asp.	
I.POM Richard Catapano	Abuse: Police Officer Richard Catapano drew his gun.	
J.POM Richard Catapano	Abuse: Police Officer Richard Catapano threatened with the use of force.	
K.POM Richard Catapano	Abuse: Police Officer Richard Catapano threatened with the use of force.	
L.SGT Mariusz Suchoicki	Discourtesy: Sergeant Mariusz Suchoicki spoke discourteously to an individual.	
M.SGT Mariusz Suchoicki	Abuse: Sergeant Mariusz Suchoicki threatened an individual with the use of force.	

Case Summary

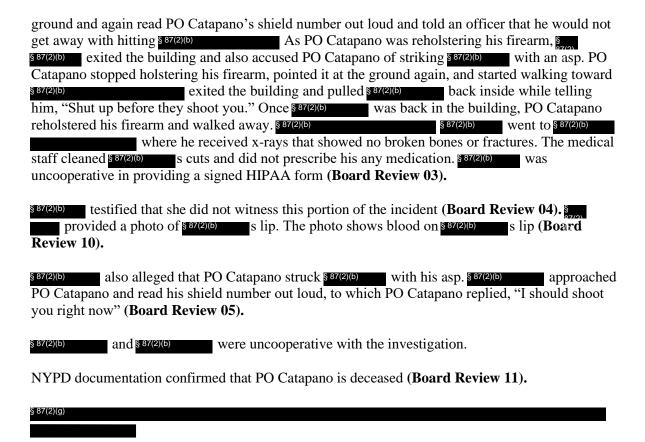
On April 23, 2020, \$87(2)(6) filed this complaint with the CCRB via the online website						
on behalf of himself, his wife, \$87(2)(b) his step daughters, \$87(2)(b) and \$37(2)						
s daughter's father, § 87(2)(b) and § 87(2)(b) s family						
friend, § 87(2)(b)						
<u> </u>						
On April 18, 2020, at approximately 9:40 p.m., \$87(2)(b) got into a physical fight outside of						
Approximately 40-50 officers from the 73 rd Precinct, PSA2, and						
SRG3 responded to the location, including PO Richard Catapano of the 73 rd Precinct, and Captain						
Rohan Griffith and Sgt. Mariusz Suchoicki of PSA2. An officer used the expletive "fuck" at §						
§ 87(2)(b) and § 87(2)(b) (Allegations A, B, and C – Discourtesy: § 87(2)(9)						
An officer pushed \$87(2)(b) against a gate and dragged him towards the building (Allegation D –						
force: § 87(2)(9) An officer threatened to arrest § 87(2)(b) and § 87(2)(b)						
(Allegations E and F – Abuse of Authority: \$87(2)(9) An officer pushed \$87(2)(6)						
(Allegation G – Force: \$87(2)(9) PO Catapano struck \$87(2)(6) with his asp (Allegation H – Force: \$87(2)(9) PO Catapano drew his firearm and threatened \$7(2)						
(Allegation H – Force: \$87(2)(9) PO Catapano drew his firearm and threatened						
§ 87(2)(b) and § 87(2)(b) (Allegations I, J, and K – Abuse of Authority: § 87(2)(9) Sgt.						
Suchoicki stated to an unidentified individual, "Dude, stay the fuck away from me. You walk						
behind me I'll punch you in the face" (Allegation L – Discourtesy: §87(2)(9) (Allegation M						
- Abuse of Authority: \$87(2)(9) was issued a summons for \$87(2)(b)						
OCA lists no results for the summons (Board Review 01).17 BWC videos of this incident were						
obtained and can be found in IAs #145-161. Summaries of the footage can be found in IA 163						
(Board Review 02).						
Findings and Recommendations						
Allegation (A) Abuse of Authority: An officer spoke discourteously to \$87(2)(b)						
Allegation (B) Discourtesy: An officer spoke discourteously to §87(2)(b)						
Allegation (C) Discourtesy: An officer spoke discourteously to \$87(2)(b)						

Allegation (D) Force: An officer used physical force against § 87(2)(b) Allegation (E) Abuse of Authority: An officer threatened to arrest \$87(2)(6) Allegation (F) Abuse of Authority: An officer threatened to arrest 887(2)(b) Early in the morning on April 18, 2020, \$37(2)(b) called him and said his step daughter, \$37(2)(b) who has a history of being bipolar, manic depressive, ADD, and possibly schizophrenic, was having an episode. § 87(2)(b) asked § 87(2)(b) to speak with § 87(2)(b) was speaking to § 87(2)(b) when § 87(2)(b) s boyfriend and his friend approached from across the street and attacked § 87(2)(b) At approximately 9:42 p.m., and § 87(2)(b) exited § 87(2)(b) and attempted to break up the fight. Approximately 40-50 officers from both the 73rd Precinct and PSA2 arrived mid-fight. An off of §87(2)(b) s boyfriend. The officers ordered everyone officer pulled § 87(2)(b) to go inside the building and everyone complied except §87(2)(b) tried to explain to the officers that the incident stemmed from §87(2)(b) who she said had mental health issues and was having an episode. As § 87(2)(b) was walking into the building, he heard an officer, who he described as a 5'7" tall white male in uniform, tell \(\) too. Get the fuck out of here." \$87(2)(b) went into the building, however, he felt that the officers were not taking the situation with § 87(2)(b) seriously, and exited the building again. An officer, who \$87(2)(b) described as a male Asian officer, said to \$87(2)(b) "What the fuck are you doing? Go in the building." The officer pushed § 87(2)(b) against a fence, grabbed his shirt near his shoulders with both hands, and began trying to drag § 87(2)(b) while ordering him to go home (**Board Review 03**).





CCRB Case # 202002851



Allegation (L) Discourtesy: Sergeant Mariusz Suchoicki threatened individuals with the use of force.

Allegation (M) Abuse of Authority: Sergeant Mariusz Suchoicki threatened individuals with the use of force.

Although not alleged by any of the civilians in this case, the following was captured on Sgt. Suchoicki's BWC footage – at the 02:40 mark of the timestamp, visible at the bottom of the screen, Sgt. Suchoicki approaches a group of unidentified individuals on the opposite side of the street from the incident location. The group walks toward the building away from Sgt. Suchoicki while making statements such as, "suck my dick." One of the individuals walks behind Sgt. Suchoicki, and at the 03:08 mark of the timestamp, Sgt. Suchoicki states, "Dude, stay the fuck away from me. You walk behind me I'll punch you in the face." The group then enters the building. After the group enters the building, when no civilians are around, Sgt. Suchoicki states, "My street than you asshole" (Board Review 12).

Sgt. Suchoicki testified that he responded to a call about a large fight at \$87(2)(5) He and officers attempted to disperse the crowd, directing people to go home. Sgt. Suchoicki was especially concerned due to the COVID-19 pandemic, as much of the crowd was mask-less. Sgt. Suchoicki approached a crowd of approximately 15 people outside of \$87(2)(5) and ordered them to go inside. One of the individuals did not have a mask on and Sgt. Suchoicki told him to put his mask on. The individual then looked at Sgt. Suchoicki, turned around and approached Sgt. Suchoicki from his right side, circling behind him at about an arms-length. Sgt. Suchoicki felt threatened that the individual might hit him in the back due to the close proximity. Sgt. Suchoicki said something to the effect of: "Get the fuck away from me, if you don't get away, I'm going to punch you in the face." Sgt. Suchoicki made the statement to try and get the individual

to disperse. The individual then walked back into the \$37(2)(b) and entered the building. During the interview, Sgt. Suchoicki stated that he should have used different language (**Board Review 08**).

Police officers must be courteous and respectful when dealing with civilians NYPD Patrol Guide, Procedure 203.09 (**Board Review 13**). While officers are allowed to use discourteous language during stressful situations, officers are only permitted to do so when scenes are so chaotic that the duty of courteousness and professional behavior should be overridden by the immediate need to maintain order Disciplinary Case No. 2017 17005 (**Board Review 14**).

When appropriate and consistent with personal safety, members of the service will use deescalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In determining whether the use of force is reasonable, members of service should consider the following (NYPD Patrol Guide Procedure 222-01). (**Board Review 15**),

- A. The nature and severity of the crime or circumstances
- B. Actions taken by the subject
- C. The duration of the action
- D. The immediacy of the perceived threat or harm to the subject, members of service, and/or bystanders
- E. Whether the subject is actively resisting custody
- F. Whether the subject is attempting to evade arrest by flight
- G. Number of subjects in comparison to the number of MOS
- H. Size, age, and condition of the subject in comparison to the MOS
- I. Subject's violent history, if known
- J. Presence of a hostile crowd or agitators
- K. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

The BWC footage shows that Sgt. Suchoicki spoke discourteously to and threatened force against the unidentified individual. Sgt. Suchoicki admitted to using this language and did so because he was concerned for his safety for the sole reason that the individual walked behind him in close proximity. The BWC footage shows that at the time Sgt. Suchoicki made the comment, the officers were dispersing a small crowd outside of the complex. The individual, who was unmasked, walked behind and around Sgt. Suchoicki. Sgt. Suchoicki issued no orders to the individual to leave prior to using an expletive and making the threat of force.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b)
 - and §87(2)(b) have been a party (Board Review 16).
- Sgt. Suchoicki has been a member of the NYPD for 20 years and has been a subject in three additional cases and eight allegations, none of which have been substantiated. [887(2)(9)

Mediation, Civil and Criminal Histories

• This case was not suitable for mediation.

	, 2021, the New York City ed in regards this to compla	Office of the Comptroller has aint (Board Review 17).	no record of a Notice of
[§ 87(2)(b)] [§§ 86(1)(3)&(4	4)] [§ 87(2)(c)]		
Squad No.:	06		
Investigator: <u>I</u>	nvestigator Thomas Julian Signature	o Investigator Thomas Julian Print Title & Name	o <u>11/24/2021</u> Date
Squad Leader: _	_Jessica Peña II	M Jessica Pena	11/27/2021
	Signature	Print Title & Name	Date